

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB -4 AM 9:45

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Martha LIVAS-Zarate

Defendant,

Magistrate Case No.

08 MJ 02 98

- DEPUTY

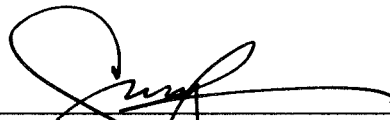
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 2, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Martha LIVAS-Zarate** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Mayra Alejandra DELGADO-Romero, Gladis Marilu MONTERROSO-Telon, and Armando GONZALEZ-Rafaela**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Signature of Complainant
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **4th** day of **February, 2008**.



UNITED STATES MAGISTRATE JUDGE

I, United States Customs and Border Protection (CBP) Enforcement Officer Jorge E. Rosario, declare under penalty of perjury the following to be true and correct:

The complainant states that **Mayra Alejandra DELGADO-Romero, Gladis Marilu MONTERROSO-Telon, and Armando GONZALEZ-Rafaela**, are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

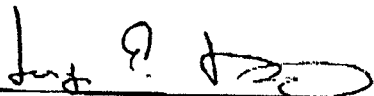
On February 2, 2007 at approximately 9:40 am, **Martha LIVAS-Zarate** (Defendant) made application for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 1993 Ford Aerostar. A U.S. Customs and Border Protection (CBP) Canine Enforcement Officer screened the vehicle utilizing his Human Detector Dog in the pre-primary area and received an alert to the under carriage area of the vehicle. Upon questioning by a (CBP) Officer, Defendant presented a Laser Visa (DSP-150) not lawfully issued to her as her entry document. Defendant stated she owned the vehicle she was driving, and that she was going to San Diego, California. During a visual inspection of the undercarriage, CBP Officers noticed what appeared to be a non-factory compartment underneath the vehicle. Defendant and the vehicle were escorted to vehicle secondary for a more thorough inspection.

During secondary inspection, CBP Officers accessed the non-factory compartment by removing the seats and opening a floor panel located inside of the vehicle. Four human beings were found concealed inside the non-factory compartment. Three individuals were retained as Material Witnesses and are now identified as **Mayra Alejandra DELGADO-Romero, Gladis Marilu MONTERROSO-Telon, and Armando GONZALEZ-Rafaela**.

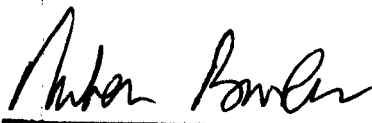
During a video recorded interview, Defendant was advised of her Miranda Rights, acknowledged her rights and elected to answer questions without the benefit of counsel. Defendant admitted knowledge of the concealed aliens. Defendant admitted if successful in smuggling, the persons with whom she made arrangements would pay her \$1,000.00 USD.

During subsequent interviews Material Witnesses declared to be citizens of Mexico with no legal rights or documents to enter the United States. Material Witnesses stated they were going to pay to be smuggled into the United States. Material Witnesses stated they indented to be smuggled into the United States.

Executed on February 2, 2008 at 4:00 pm.


Jorge E. Rosario / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (one) page, I find probable cause to believe that the defendant named therein committed the offense on **February 2, 2008** in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).


MAGISTRATE JUDGE

2/3/2008 at 10:50 a.m.
DATE / TIME

82
amendedPROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Jorge E. Rosario, declare under penalty of perjury the following to be true and correct:

The complainant states that **Mayra Alejandra DELGADO-Romero, Gladis Marilu MONTERROSO-Telon, and Armando GONZALEZ-Rafaela**, are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

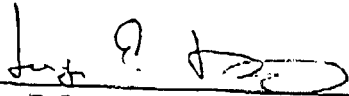
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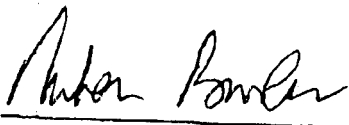
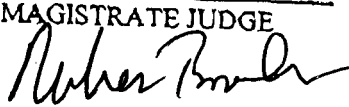
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During subsequent interviews Material Witnesses declared to be citizens of Mexico with no legal rights or documents to enter the United States. Material Witnesses stated they were going to pay to be smuggled into the United States. Material Witnesses stated they intended to be smuggled into the United States.

Executed on February 2, 2008 at 4:00 pm.


Jorge E. Rosario / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (one) page, I find probable cause to believe that the defendant named therein committed the offense on February 2, 2008 in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).


MAGISTRATE JUDGE


2/3/2008 at 10:50 a.m.,
DATE / TIME
2/4/2008 at 9:25 a.m.

TOTAL P.03